

Section 45b, act Jan. 12, 1938, ch. 2, § 3, 52 Stat. 3, relating to reproducing, publishing, selling uncensored copies, is covered by section 797 of Title 18, Crimes and Criminal Procedure.

Section 45c, act Jan. 12, 1938, ch. 2, § 4, 52 Stat. 4, relating to definitions of "aircraft", "post", "camp", and "station", is covered by sections 795 and 796 of Title 18, Crimes and Criminal Procedure.

Section 45d, act Jan. 12, 1938, ch. 2, § 5, 52 Stat. 4, relating to geographical application of law, is covered by section 791 of Title 18, Crimes and Criminal Procedure.

Chapter 4B.—DISCLOSURE OF CLASSIFIED INFORMATION

§§ 46—46b. Repealed. Oct. 31, 1951, ch. 655, § 56 (c), 65 Stat. 729.

Sections, act May 13, 1950, ch. 185, §§ 1—3, 64 Stat. 159, 160, which related to unlawful disclosure of classified information such as codes, code systems, intelligence activities, etc., definitions in connection therewith, and penalty for, are covered by section 798 of Title 18, Crimes and Criminal Procedure.

SAVINGS CLAUSE

Subsec. (1) of section 56 of act Oct. 31, 1951 provided that the repeal of these sections should not affect any rights or liabilities existing hereunder on the effective date of such repeal (Oct. 31, 1951).

Chapter 5.—ARSENALS, ARMORIES, ARMS, AND WAR MATERIAL GENERALLY

ARSENALS, ARMORIES, ARMS, AND WAR MATERIALS

Sec.

- 51, 52. Omitted.
53. Annual accounts of arms made and repaired.
54. Account of cost of type and experimental manufacture of guns, and so forth.
55. Abolition of useless or unnecessary arsenals.
56. Misconduct of workmen in armories.
57. Exemption of workmen from jury service.
58. Rewards for suggestions by employees.
59. Testing rifled cannon for Navy.
60. Transfer of naval ordnance to Department of the Army.
61. Arms and ammunition issued to protect public property; reimbursement of Department of the Army.
62. Loan of rifles to organizations of honorably discharged soldiers, and so forth.
- 62a. Loans of ordnance to schools and State homes for veterans' orphans.
- 62b. Loss of rifles loaned to organizations of honorably discharged soldiers, etc.; relief from liability on bonds.
- 62c. Donation of Army equipment to posts of American Legion.
63. Sales of ordnance property to schools and State homes for veterans' orphans.
64. Sale of obsolete small arms to patriotic organizations.
- 64a. Sale of useless ordnance material; appropriation of amount equal to proceeds of sale.
65. Sale of ordnance to designers.
66. Issue of condemned ordnance to State homes for soldiers and sailors.
67. Loan or gift of condemned or obsolete equipment.
68. Sale of obsolete ordnance for public parks.
69. Sale of individual pieces of armament.
70. Sale of ordnance property to Navy and Marine Corps officers.
71. Sale of ordnance stores to Red Cross and civilian employees of Army.
72. Repealed.
73. Disposal of proceeds of sales of serviceable ordnance and stores.

Sec.

74. Disposal of proceeds of sales of useless ordnance material.
75. Payment for transfers of ordnance or stores to bureaus or departments.
76. Private use of machine for testing iron and steel.
77. Tests of iron, etc., for industrial purposes regulated.
78. Gauges, dies, and tools for manufacture of arms.
79. Nitrate plants.
80. Procurement of war material; mobilization of industries.
81. Military surveys and maps; assistance of mapping agencies of Government.
82. Procurement of ships and material during war; changes in contracts; commandeering factories, etc.
83. Ammunition for use of Army and Navy; storage and dispersal; control by joint board of officers.
84. Expenditure at armories for perfection of patentable inventions.
85. Guns and howitzers; installation.
- 86—88. Omitted.

EDUCATION AND EXPERIMENTATION IN DEVELOPMENT OF MUNITIONS AND MATERIALS FOR NATIONAL DEFENSE

91. Educational orders for munitions of special or technical design; bids.
92. Same; production equipment with first order.
93. Same; number of orders; application during war.
94. Appropriations.
95. Research, experimentation, and development of rotary-wing and other aircraft; appropriation; reports and recommendations; construction.
96. Purchase of equipment for experimental and test purposes.

ACQUISITION AND DEVELOPMENT OF STRATEGIC RAW MATERIALS

98. Declaration of policy.
- 98a. Strategic and critical materials; determination; quantity of quality to be purchased; formation and functions of industry advisory committees; subsistence and traveling expenses of members.
- 98b. Purchase, storage, refinement, rotation, and disposal of materials.
- 98c. Reports to Congress.
- 98d. Release of stock pile materials.
- 98e. Transfer of surplus materials to stock piles; exceptions; payments; reduction of amount of obligations of Reconstruction Finance Corporation.
- 98f. Investigations of domestic ores, minerals, and agriculture resources for purposes of development, etc.
- 98g. Appropriations.
- 98h. Disposition of receipts.
99. Prohibition or curtailment of exportation of military equipment or supplies; penalties.

CROSS REFERENCES

Acquisition of sites for armories, nitrate plants, and so forth, see section 171 of this title.

ARSENALS, ARMORIES, ARMS, AND WAR MATERIALS

§§ 51, 52. Omitted.

CODIFICATION

Section 51, act Aug. 5, 1882, ch. 395, 22 Stat. 299, related to the pay of the master armorer at the national armory in Springfield, Mass. The position of master armorer no longer exists.

Section 52, act June 23, 1874, ch. 486, 18 Stat. 282, related to pay of clerks at said Springfield Armory. The salary for clerks at all field stations of the Ordnance Department, including the Springfield Armory, are now determined under provisions of chapter 21 of Title 5, Executive Departments and Government Officers and Employees.

§ 53. Annual accounts of arms made and repaired.

An annual account of the expenses of the national armories shall be laid before Congress, together with an account of the arms made and repaired therein. (R. S. § 1665.)

DERIVATION

Act Apr. 2, 1794, ch. 14, § 5, 1 Stat. 352.

CERTAIN STATEMENTS DISCONTINUED

Act Aug. 7, 1946, ch. 770, § 1 (54), 60 Stat. 870, provided: "That the following reports or statements now required by law are hereby discontinued, and all Acts or parts of Acts herein cited as requiring the submission of such reports or statements are hereby repealed to the extent of such requirement: * * * 54. Statement of expenditures at the Springfield Armory, Massachusetts, and the Rock Island Arsenal, Illinois, and of arms, components of arms, and appendages fabricated, altered, and repaired, during the fiscal year ended June 30 (26 Stat. 320)."

CROSS REFERENCE

Examination and certification of accounts by General Accounting Office, see section 72 of Title 31, Money and Finance.

§ 54. Account of cost of type and experimental manufacture of guns, and so forth.

Full and accurate accounts shall be kept, showing the cost of all type and experimental manufacture of guns, and other articles, and the average cost of the several classes of guns and the other articles manufactured by the Government. (Aug. 18, 1890, ch. 797, § 2, 26 Stat. 320; Aug. 7, 1946, ch. 770, § 1 (52), 60 Stat. 870.)

AMENDMENTS

1946—Act Aug. 7, 1946 amended section by repealing the provision that a statement of such account shall be laid before Congress.

§ 55. Abolition of useless or unnecessary arsenals.

The Secretary of the Army is authorized to abolish such of the arsenals of the United States as, in his judgment, may be useless or unnecessary. (R. S. § 1666; July 26, 1947, ch. 343, title II, § 205 (a), 61 Stat. 501.)

DERIVATION

Acts Mar. 3, 1853, ch. 98, § 1, 10 Stat. 214, 217; Mar. 3, 1875, ch. 174, 18 Stat. 510.

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by act July 26, 1947.

SALE OF ARSENAL

The arsenal at Detroit, Mich., was authorized to be sold, by act Mar. 3, 1875, ch. 174, 18 Stat. 510.

§ 56. Misconduct of workmen in armories.

If any artificer or workman, hired, retained, or employed in any public arsenal or armory, wantonly and carelessly breaks, impairs, or destroys any implements, tools, or utensils, or any stock, or materials for making guns, the property of the United States, or willfully and obstinately refuses to perform the services lawfully assigned to him, pursuant to his contract, he shall forfeit a sum not exceeding \$20 for every such act of disobedience or breach of contract, to be recovered in any court having competent jurisdiction thereof. (R. S. § 1669.)

DERIVATION

Act May 7, 1800, ch. 46, § 3, 2 Stat. 62.

24626°—53—vol. 5—33

§ 57. Exemption of workmen from jury service.

All artificers and workmen employed in the armories and arsenals of the United States shall be exempted, during their time of service, from service as jurors in any court. (R. S. § 1671.)

DERIVATION

Acts May 7, 1800, ch. 46, § 4, 2 Stat. 62; Mar. 3, 1855, ch. 169, § 7, 10 Stat. 639.

CROSS REFERENCE

Exemption from jury service, generally, see section 1862 of Title 28, Judiciary and Judicial Procedure.

§ 58. Rewards for suggestions by employees.

The Secretary of the Army is authorized to offer periodically at such of the establishments of the Ordnance Corps as he may select a cash reward for the suggestion, or series of suggestions, for an improvement or economy in manufacturing processes or plant, submitted within the period by one or more employees of the establishment which shall be deemed the most valuable of those submitted and adopted for use: *Provided*, That to obtain this reward the winning suggestion must be one that will clearly effect a material economy in production or increase efficiency or enhance the quality of the product in comparison with its cost and in the opinion of the Secretary shall be so worthy as to entitle the employee making the same to receive the reward: *Provided further*, That the sums awarded to employees in accordance with this section shall be paid them in addition to their usual compensation and shall constitute part of the general or shop expense of the establishment: *Provided further*, That the total amount paid under the provisions of this section shall not exceed \$1,000 for any one month: *And provided further*, That no employee shall be paid a reward under this section until he has properly executed an agreement to the effect that the use by the United States of the suggestion, or series of suggestions, made by him shall not form the basis of a further claim of any nature upon the United States by him, his heirs, or assigns, and that application for patent has not been made for the invention. (July 17, 1912, ch. 236, 37 Stat. 193; July 26, 1947, ch. 343, title II, § 205 (a), 61 Stat. 501; June 28, 1950, ch. 383, title III, § 306 (a), 64 Stat. 269.)

CHANGE OF NAME

The Ordnance Department was designated the Ordnance Corps by act June 28, 1950.

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by act July 26, 1947.

§ 59. Testing rifled cannon for Navy.

One or more rifled cannon of each type constructed at the cost of the United States for the Navy shall be publicly subjected to the proper test for endurance, including such rapid firing as a like gun would be subjected to in battle. This test shall be under the direction and to the satisfaction of the Secretary of the Navy and if such guns do not prove satisfactory, the type they represent shall not be put in use in the naval service. (July 26, 1886, ch. 781, § 1, 24 Stat. 151.)

SIMILAR PROVISIONS

Provisions applicable to all rifled cannon of any particular material, caliber, or kind, made at the cost of the United States, were made by act July 5, 1884, ch. 235, § 2, 23 Stat. 158.

§ 60. Transfer of naval ordnance to Department of the Army.

Such naval ordnance and ordnance material as the Secretary of the Army and the Secretary of the Navy may determine necessary is authorized to be transferred from the Navy Department to the Department of the Army: *Provided*, That if such ordnance and ordnance material is obsolete for naval purposes the transfer shall be made without reimbursement and payment to the Navy for other ordnance and ordnance material transferred hereunder shall be made only after estimates shall have been submitted to Congress and a specific appropriation for such payment shall have been made. (July 8, 1918, ch. 137, § 1, 40 Stat. 817; July 26, 1947, ch. 343, title II, § 205 (a), 61 Stat. 501.)

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by act July 26, 1947.

§ 61. Arms and ammunition issued to protect public property; reimbursement of Department of the Army.

Upon the request of the head of any department or independent agency of the Government, the Secretary of the Army be, and he is, authorized to issue arms, suitable accouterments for use therewith, and ammunition whenever they may be required for the protection of the public money and property, and they may be delivered to any officer of the department or independent agency designated by the head of such department or independent agency, to be accounted for to the Secretary of the Army, and to be returned when the necessity for their use has expired: *Provided, however*, That hereafter the cost of all ammunition issued, the cost of replacing borrowed arms and accouterments which are lost or destroyed or are irreparable, the cost of repairing arms and accouterments returned to the Department of the Army, and the cost to the Department of the Army of making and receiving shipments under the authority of this section shall be covered by transfer of funds from the department or independent agency concerned to the credit of Department of the Army funds. (Mar. 3, 1879, ch. 183, 20 Stat. 412; Apr. 14, 1937, ch. 79, 50 Stat. 63; July 26, 1947, ch. 343, title II, § 205 (a), 61 Stat. 501.)

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by act July 26, 1947.

§ 62. Loan of rifles to organizations of honorably discharged soldiers, and so forth.

The Secretary of the Army is authorized, under rules, limitations, and regulations to be prescribed by him, to loan obsolete or condemned Army rifles,

slings, and cartridge belts to posts or camps of national veterans' organizations recognized by the Veterans' Administration, for use by them in connection with the funeral ceremonies of deceased soldiers, sailors, and marines, and for other post or camp ceremonial purposes; and to issue and deliver to such posts and camps, free of charge but, except where supplied for use in ceremonies at national cemeteries, without expense to the United States for packing, handling, and transportation, blank ammunition in suitable amounts for such rifles: *Provided, however*, That not to exceed ten such rifles shall be issued to any one post or camp. (Feb. 10, 1920, ch. 64, 41 Stat. 403; June 5, 1920, ch. 240, 41 Stat. 976; July 26, 1947, ch. 343, title II, § 205 (a), 61 Stat. 501; May 26, 1952, ch. 334, 66 Stat. 94.)

AMENDMENTS

1952—Act May 26, 1952 amended section to provide free blank ammunition to veterans' organizations.

1920—Act June 5, 1920 amended section to extend its provisions to all veterans' posts and organizations whereas it had previously applied only to American Legion posts.

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by act July 26, 1947.

CROSS REFERENCES

Donation of equipment to American Legion posts, see section 62c of this title.

Loss of rifles loaned, relief from liability on bonds, see section 62b of this title.

§ 62a. Loans of ordnance to schools and State homes for veterans' orphans.

The Secretary of the Army is authorized to issue, at his discretion and under proper regulations to be prescribed by him, without cost of transportation to the United States, such obsolete ordnance and ordnance stores as may be available to State and Territorial educational institutions and to State soldiers' and sailors' orphans' homes, for purposes of drill and instruction.

And the Secretary of the Army shall require from such institutions or homes a bond in each case in double the value of the property issued, for the care and safekeeping thereof and for the return of the same to the United States when required: *Provided*, That the issues herein provided for shall be made only to institutions upon recommendation of the governors of States and Territories and shall not be made in any case to any educational institution to which issues of such stores are allowed to be made under provisions of law existing on June 30, 1906. (June 30, 1906, ch. 3938, 34 Stat. 817; July 26, 1947, ch. 343, title II, § 205 (a), 61 Stat. 501.)

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by act July 26, 1947.

CROSS REFERENCES

Sales of ordnance property to educational institutions having Reserve Officers' Training Corps unit, see section 389 of Title 10, Army and Air Force.

§ 62b. Loss of rifles loaned to organizations of honorably discharged soldiers, etc.; relief from liability on bonds.

The Secretary of the Army is authorized, at his discretion, in proper cases to relieve posts or camps of organizations composed of honorably discharged soldiers, sailors, or marines, and sureties on bonds, from liability on account of the loss or destruction of obsolete or condemned Army rifles, slings, and cartridge belts loaned by the Secretary of the Army under authority of section 62 of this title, when there is conclusive evidence that the loss has not occurred through negligence. (Dec. 15, 1926, ch. 10, 44 Stat. 922; July 26, 1947, ch. 343, title II, § 205 (a), 61 Stat. 501.)

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by act July 26, 1947.

§ 62c. Donation of Army equipment to posts of American Legion.

The Secretary of the Army is authorized and directed to give to each post or camp of organizations composed of honorably discharged soldiers, sailors or marines to which obsolete or condemned Army rifles, slings, or cartridge belts had on May 29, 1934 been loaned under authority of section 62 of this title, any such equipment held on said date by such post or camp, and to cancel and release all obligations to the United States incurred pursuant to such section in connection with loans of such equipment to posts or camps of organizations composed of honorably discharged soldiers, sailors or marines. (May 29, 1934, ch. 369, 48 Stat. 815; Aug. 30, 1935, ch. 826, 49 Stat. 1013; July 26, 1947, ch. 343, title II, § 205 (a), 61 Stat. 501.)

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by act July 26, 1947.

REPEALS

The Secretaries of the Army and Navy were authorized to give or loan condemned or obsolete ordnance, guns, etc., to certain patriotic or municipal organizations by section 150p of Title 5, Executive Departments and Government Officers and Employees, and acts inconsistent therewith were repealed.

§ 63. Sales of ordnance property to schools and State homes for veterans' orphans.

Sales of articles of ordnance property are authorized to educational institutions and State soldiers' and sailors' orphans' homes for maintaining the ordnance and ordnance stores issued to them. (May 11, 1908, ch. 163, 35 Stat. 125.)

§ 64. Sale of obsolete small arms to patriotic organizations.

The branch, office, or officers, of the Army the Secretary of the Army may from time to time designate are authorized subject to applicable regulations under the Federal Property and Administrative Services Act of 1949, as amended, to sell without advertisement to patriotic organizations for military purposes surplus obsolete small arms and their

equipments and ammunition at such prices as he may deem reasonable and just: *Provided*, That obsolete small arms and their equipment and ammunition shall not be disposed of to such organizations except as provided for in this section. (May 28, 1908, ch. 215, § 14, 35 Stat. 443; June 28, 1950, ch. 383, title IV, § 402 (g), 64 Stat. 273; Oct. 31, 1951, ch. 654, § 2 (26), 65 Stat. 707.)

REFERENCES IN TEXT

"The Federal Property and Administrative Services Act of 1949, as amended", referred to in the text, is classified to sections 630—630h of Title 5, Executive Departments and Government Officers and Employees, sections 471—475, 481, 483—492, 511—514 of Title 40, Public Buildings, Property, and Works, sections 251—255, 257—260 of Title 41, Public Contracts, and sections 391—401, Public Printing and Documents.

CODIFICATION

This was the final section of act May 28, 1908, granting condemned ordnance to certain institutions, referred to in the text.

The original text of the proviso prohibited disposal except as provided for in the "act" which has been changed herein to "section". The other sections of such act have been executed.

AMENDMENTS

1951—Act Oct. 31, 1951 inserted "subject to applicable regulations under the Federal Property and Administrative Services Act of 1949, as amended".

1950—Act June 28, 1950, amended section by substituting "branch, office, or officers of the Army the Secretary of the Army may from time to time designate" for "Chief of Ordnance".

§ 64a. Sale of useless ordnance material; appropriation of amount equal to proceeds of sale.

In the case of public sale, according to law, of useless ordnance materials on hand in the Department of the Army, the proceeds of which shall be turned into the Treasury, an amount equal to the net proceeds of such sale is appropriated for the purpose of procuring a supply of material adapted in manufacture and caliber to the present wants of the war service; and there shall be expended in the Department of the Army, under this provision, not more than seventy-five thousand dollars in any one year. (Mar. 3, 1875, ch. 130, § 1, 18 Stat. 388; July 26, 1947, ch. 343, title II, § 205 (a), 61 Stat. 501.)

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by act July 26, 1947.

§ 65. Sale of ordnance to designers.

The Secretary of the Army is authorized to sell to American designers such serviceable ordnance and ordnance stores as may be necessary in the development of designs which may be used in the military service: *Provided*, That such ordnance and ordnance stores can be spared for the purpose, and funds arising from such sales shall be available to replace like ordnance and ordnance stores. (Apr. 23, 1904, ch. 1485, 33 Stat. 276; July 26, 1947, ch. 343, title II, § 205 (a), 61 Stat. 501.)

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by act July 26, 1947.

CROSS REFERENCES

Credit to be made to replacement account for "Replacing ordnance and ordnance stores" of only such amounts as represent sales of stores, materials, and supplies at actual cost to War Department, see section 7251 (b) (10) of Title 31, Money and Finance.

Receipts credited to appropriation account for "Ordnance material, proceeds of sale (war)" to be covered into Treasury as miscellaneous receipts and appropriation account repealed, see section 725c (b) (10) of Title 31, Money and Finance.

§ 66. Issue of condemned ordnance to State homes for soldiers and sailors.

The Secretary of the Army is authorized and directed, subject to such regulations as he may prescribe, subject to applicable regulations under the Federal Property and Administrative Services Act of 1949, as amended, to deliver to any of the State homes for soldiers and sailors, or either, now or hereafter duly established and maintained under State authority, such obsolete serviceable cannon, bronze or iron, suitable for firing salutes, as may be on hand undisposed of, not exceeding two to any one home. The branch, office, or officers of the Army, the Secretary of the Army may from time to time designate is authorized to issue such obsolete or condemned ordnance, gun carriages, and ordnance stores as may be needed for ornamental purposes to the Home for Disabled Volunteer Soldiers, the homes to pay for transportation out of any appropriation for current expenses. (Feb. 8, 1889, ch. 116, 25 Stat. 657; Mar. 3, 1899, ch. 423, § 1, 30 Stat. 1073; May 26, 1900, ch. 586, 31 Stat. 216; July 3, 1930, ch. 863, §§ 1, 2, 5, 46 Stat. 1016; July 26, 1947, ch. 343, title II, § 205 (a), 61 Stat. 501; June 28, 1950, ch. 383, title IV, § 402 (e), 64 Stat. 273; Oct. 31, 1951, ch. 654, § 2 (27), 65 Stat. 707.)

REFERENCES IN TEXT

"The Federal Property and Administrative Services Act of 1949, as amended", referred to in the text, is classified to sections 630—630h of Title 5, Executive Departments and Government Officers and Employees, sections 471—475, 481, 483—492, and 511—514 of Title 40, Public Buildings, Property, and Works, sections 251—255 and 257—260 of Title 41, Public Contracts, and sections 391—401, Public Printing and Documents.

CODIFICATION

Act July 3, 1930, consolidated the National Home for Disabled Volunteer Soldiers with the Bureau of Pensions and the United States Veterans' Bureau into the Veterans' Administration.

Provisions relating to issue of ordnance, gun carriages and ordnance stores are from Army Appropriation Acts, 1900 and 1901, acts Mar. 3, 1899 and May 26, 1900.

Provisions relating to issue of cannon are from act Feb. 8, 1889.

AMENDMENTS

1951—Act Oct. 31, 1951 inserted "subject to applicable regulations under the Federal Property and Administrative Services Act of 1949, as amended".

1950—Act June 28, 1950 amended section by substituting "branch, office, or officers of the Army the Secretary of the Army may from time to time designate" for "Chief of Ordnance".

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by act July 26, 1947.

§ 67. Loan or gift of condemned or obsolete equipment.

CODIFICATION

Section has been transferred to section 150p of Title 5, Executive Departments and Government Officers and Employees.

§ 68. Sale of obsolete ordnance for public parks.

The branch, office, or officers of the Army the Secretary of the Army may from time to time designate is authorized subject to applicable regulations under the Federal Property and Administrative Services Act of 1949, as amended, to sell without advertisement for public parks, public buildings, and soldiers' monuments purposes surplus obsolete brass or bronze cannon, carriages, and cannon balls at such prices as he may deem reasonable and just: *Provided*, That obsolete brass or bronze cannon and their accessories shall not be disposed of for such purposes except as provided for in this section. (Mar. 4, 1909, ch. 319, § 47, 35 Stat. 1075; June 28, 1950, ch. 383, title IV, § 402 (i), 64 Stat. 273; Oct. 31, 1951, ch. 654, § 2 (28), 65 Stat. 708.)

REFERENCES IN TEXT

"The Federal Property and Administrative Services Act of 1949, as amended", referred to in the text, is classified to sections 630—630h of Title 5, Executive Departments and Government Officers and Employees, sections 471—475, 481, 483—492, and 511—514 of Title 40, Public Buildings, Property, and Works, sections 251—255 and 257—260 of Title 41, Public Contracts, and sections 391—401, Public Printing and Documents.

CODIFICATION

This was the final section of act May 28, 1908, granting certain obsolete ordnance for the ornamental purposes referred to in the text.

The original text of the proviso prohibited disposal except as provided for in the "act" which has been changed herein to "section". The other sections of such act have been executed.

AMENDMENTS

1951—Act Oct. 31, 1951 inserted "subject to applicable regulations under the Federal Property and Administrative Services Act of 1949, as amended".

1950—Act June 28, 1950, amended section by substituting "branch, office, or officers of the Army the Secretary of the Army may from time to time designate" for "Chief of Ordnance".

REPEALS

The Secretaries of the Army and Navy were authorized to give or loan condemned or obsolete ordnance, guns, etc., to certain patriotic or municipal organizations by section 150p of Title 5, Executive Departments and Government Officers and Employees, and acts inconsistent therewith were repealed.

§ 69. Sale of individual pieces of armament.

Individual pieces of United States armament which are not needed on account of historical value, and can be advantageously replaced, may be sold at a price not less than their cost price, when there exist for such sale sentimental reasons adequate in the judgment of the Secretary of the Army or Secretary of the Navy. (Mar. 2, 1905, ch. 1307, 33 Stat. 841; July 26, 1947, ch. 343, title II, § 205 (a), 61 Stat. 501.)

CODIFICATION

Section is also set out as section 1262b of Title 10, Army and Air Force, and section 545 of Title 34, Navy.

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by act July 26, 1947.

§ 70. Sale of ordnance property to Navy and Marine Corps officers.

Articles of ordnance property may be sold by the branch, office, or officers of the Army the Secretary of the Army may from time to time designate to officers of the Navy and Marine Corps, for their use in the public service, in the same manner as these articles are now sold to officers of the Army. (Mar. 3, 1909, ch. 252, 35 Stat. 751; Apr. 15, 1937, ch. 101, 50 Stat. 65; Aug. 4, 1949, ch. 393, § 20, 63 Stat. 561; June 28, 1950, ch. 383, title IV, § 402 (h), 64 Stat. 273.)

CODIFICATION

Section is also set out as section 540 of Title 34, Navy.

AMENDMENTS

1950—Act June 28, 1950, amended section by substituting "branch, office, or officers of the Army the Secretary of the Army may from time to time designate" for "Chief of Ordnance".

1949—Act Aug. 4, 1949 amended section by repealing act Apr. 15, 1937, ch. 101, 50 Stat. 65, which had inserted "and Coast Guard" following "Marine Corps".

EFFECTIVE DATE OF 1949 AMENDMENT

Amendment of section by act Aug. 4, 1949, effective as of the first day of the third month of approval, August, 1949, see note set out preceding chapter 1 of Title 14, Coast Guard.

CROSS REFERENCES

Sale of uniforms, accouterments, and equipment to Army officers, see section 904 of Title 10, Army.

§ 71. Sale of ordnance stores to Red Cross and civilian employees of Army.

Sales of ordnance stores are authorized to civilian employees of the Army and to the American National Red Cross under such regulations as may be prescribed by the Secretary of the Army. (Mar. 3, 1909, ch. 252, 35 Stat. 750; July 26, 1947, ch. 343, title II, § 205 (a), 61 Stat. 501.)

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by act July 26, 1947.

§ 72. Repealed. May 1, 1937, ch. 146, § 5 (i), 50 Stat. 126.

Section, act Aug. 29, 1916, ch. 418, § 1, 39 Stat. 643, related to the sale of ordnance and stores to Cuba.

§ 73. Disposal of proceeds of sales of serviceable ordnance and stores.

All moneys arising from disposition authorized by law and regulation of serviceable ordnance and ordnance stores of the Army shall constitute one fund on the books of the Treasury Department, which shall be available to replace ordnance and ordnance stores throughout the fiscal year in which the disposition was effected and throughout the following year. (Apr. 23, 1904, ch. 1485, 33 Stat. 276.)

PERMANENT APPROPRIATIONS REPEAL ACT

Effective July 31, 1935, this section was affected by act June 26, 1934, ch. 756, § 10, 48 Stat. 1229. See section 725i (b) of Title 31, Money and Finance.

§ 74. Disposal of proceeds of sales of useless ordnance material.

The net proceeds of sales of useless ordnance material by the Navy Department shall be covered into the Treasury as "Miscellaneous receipts." (Jan. 22, 1923, ch. 28, 42 Stat. 1142.)

§ 75. Payment for transfers of ordnance or stores to bureaus or departments.

When authorized transfers or sales of ordnance or ordnance stores are made to another bureau of the Department of the Army or to another executive department of the Government, payment therefor shall be made by the proper disbursing officer of the bureau, office, or department concerned. When the transaction is between two bureaus of the Department of the Army, the price to be charged shall be the cost price of the stores, including the cost of inspection. When the transaction is between the Ordnance Corps and another executive department of the Government, the price to be charged shall include the cost price of the stores and the costs of inspection and transportation. (Aug. 24, 1912, ch. 391, § 1, 37 Stat. 589; July 26, 1947, ch. 343, title II, § 205 (a), 61 Stat. 501; June 28, 1950, ch. 383, title III, § 306 (a), 64 Stat. 269.)

CHANGE OF NAME

The Ordnance Department was redesignated the "Ordnance Corps" by act June 28, 1950.

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by act July 26, 1947.

CROSS REFERENCES

Price charged for subsistence supplies, see section 1253 of Title 10, Army and Air Force.

§ 76. Private use of machine for testing iron and steel.

The Secretary of the Army is authorized to cause the machine built for testing iron and steel to be set up and applied to the testing of iron and steel for all persons who may desire to use it, upon the payment of a suitable fee for each test; the table of fees to be approved by the Secretary of the Army, and to be so adjusted from time to time as to defray the actual cost of the tests as near as may be. (June 20, 1878, ch. 359, § 1, 20 Stat. 223; July 26, 1947, ch. 343, title II, § 205 (a), 61 Stat. 501.)

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by act July 26, 1947.

§ 77. Tests of iron, etc., for industrial purposes regulated.

The tests of iron and steel and other materials for industrial purposes shall be continued: *Provided*, That in making tests for private citizens the officer in charge may require payment in advance, and may use the funds so received in making such private tests, making full report thereof to the Chief of Ordnance; and the Chief of Ordnance shall give attention to such program of tests as may be submitted by the American Society of Civil Engineers, and the record of such tests shall be furnished said society, to be by them published at their own ex-

pense. (Mar. 3, 1885, ch. 360, 23 Stat. 502; May 29, 1928, ch. 901, par. 27, 45 Stat. 988.)

REPEALS

This section formerly required reports to Congress of tests made for industrial purposes. Act May 29, 1928 repealed requirement respecting reports.

§ 78. Gauges, dies, and tools for manufacture of arms.

The Secretary of the Army is authorized to prepare or cause to be prepared, to purchase or otherwise procure, such gauges, dies, jigs, tools, fixtures, and other special aids and appliances, including specifications and detailed drawings, as may be necessary for the immediate manufacture, by the Government and by private manufacturers, of arms, ammunition, and special equipment necessary to arm and equip the land forces likely to be required by the United States in time of war: *Provided*, That in the expenditure of any sums appropriated to carry out the purposes of this section the laws prescribing competition in the procurement of supplies by purchase shall not govern, whenever in the opinion of the Secretary of the Army such action will be for the best interest of the public service. (June 3, 1916, ch. 134, § 123, 39 Stat. 215; July 26, 1947, ch. 343, title II, § 205 (a), 61 Stat. 501.)

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by act July 26, 1947.

§ 79. Nitrate plants.

The President of the United States is authorized and empowered to make, or cause to be made, such investigation as in his judgment is necessary to determine the best, cheapest, and most available means for the production of nitrates and other products for munitions of war and useful in the manufacture of fertilizers and other useful products by water power or any other power as in his judgment is the best and cheapest to use; and is also authorized and empowered to designate for the exclusive use of the United States, if in his judgment such means is best and cheapest, such site or sites, upon any navigable or nonnavigable river or rivers or upon the public lands, as in his opinion will be necessary for carrying out the purposes of this section; and is further authorized to construct, maintain, and operate, at or on any site or sites so designated, dams, locks, improvements to navigation, power houses, and other plants and equipment or other means than water power as in his judgment is the best and cheapest, necessary or convenient for the generation of electrical or other power and for the production of nitrates or other products needed for munitions of war and useful in the manufacture of fertilizers and other useful products.

The President is authorized to lease, purchase, or acquire, by condemnation, gift, grant, or device, such lands and rights of way as may be necessary for the construction and operation of such plants, and to take from any lands of the United States, or to purchase or acquire by condemnation materials, minerals, and processes, patented or otherwise, necessary

for the construction and operation of such plants and for the manufacture of such products.

The products of such plants shall be used by the President for military and naval purposes to the extent that he may deem necessary, and any surplus which he shall determine is not required shall be sold and disposed of by him under such regulations as he may prescribe.

The President is authorized and empowered to employ such officers, agents, or agencies as may in his discretion be necessary to enable him to carry out the purposes herein specified, and to authorize and require such officers, agents, or agencies to perform any and all of the duties imposed upon him by the provisions hereof.

The plant or plants provided for under this section shall be constructed and operated solely by the Government and not in conjunction with any other industry or enterprise carried on by private capital. (June 3, 1916, ch. 134, § 124, 39 Stat. 215.)

CODIFICATION

A portion of the original text appropriating a certain sum of money for use in carrying out purposes herein provided was omitted as temporary.

For another portion of the original text which related to the issuance of bonds, see the historical note to section 745 of Title 31, Money and Finance.

§ 80. Procurement of war material; mobilization of industries.

The President, in time of war or when war is imminent, is empowered, through the head of any department of the Government, in addition to the present authorized methods of purchase or procurement, to place an order with any individual, firm, association, company, corporation, or organized manufacturing industry for such product or material as may be required, and which is of the nature and kind usually produced or capable of being produced by such individual, firm, company, association, corporation, or organized manufacturing industry.

Compliance with all such orders for products or material shall be obligatory on any individual, firm, association, company, corporation, or organized manufacturing industry or the responsible head or heads thereof and shall take precedence over all other orders and contracts theretofore placed with such individual, firm, company, association, corporation, or organized manufacturing industry, and any individual, firm, association, company, corporation, or organized manufacturing industry or the responsible head or heads thereof owning or operating any plant equipped for the manufacture of arms or ammunition, or parts of ammunition, or any necessary supplies or equipment for the Army, and any individual, firm, association, company, corporation, or organized manufacturing industry or the responsible head or heads thereof owning or operating any manufacturing plant, which, in the opinion of the Secretary of the Army shall be capable of being readily transformed into a plant for the manufacture of arms or ammunition, or parts thereof, or other necessary supplies or equipment, who shall refuse to give to the United States such preference in the matter of the execution of orders, or who shall refuse

to manufacture the kind, quantity, or quality of arms or ammunition, or the parts thereof, or any necessary supplies or equipment, as ordered by the Secretary of the Army, or who shall refuse to furnish such arms, ammunitions, or parts of ammunition, or other supplies or equipment, at a reasonable price as determined by the Secretary of the Army, then, and in either such case, the President, through the head of any department of the Government, in addition to the present authorized methods of purchase or procurement herein provided for, is authorized to take immediate possession of any such plant or plants, and through the Ordnance Corps of the United States Army, to manufacture therein in time of war, or when war shall be imminent, such product or material as may be required, and any individual, firm, company, association, or corporation, or organized manufacturing industry, or the responsible head or heads thereof, failing to comply with the provisions of this section shall be deemed guilty of a felony, and upon conviction shall be punished by imprisonment for not more than three years and by a fine not exceeding \$50,000.

The compensation to be paid to any individual, firm, company, association, corporation, or organized manufacturing industry for its products or material, or as rental for use of any manufacturing plant while used by the United States, shall be fair and just.

The Secretary of the Army shall also make, or cause to be made, a complete list of all privately owned plants in the United States equipped to manufacture arms or ammunition, or the component parts thereof. He shall obtain full and complete information regarding the kind of arms or ammunition, or the component parts thereof, manufactured or that can be manufactured by each such plant, the equipment in each plant, and the maximum capacity thereof. He shall also prepare, or cause to be prepared, a list of privately owned manufacturing plants in the United States capable of being readily transformed into ammunition factories, where the capacity of the plant is sufficient to warrant transforming such plant or plants into ammunition factories in time of war or when war shall be imminent; and as to all such plants the Secretary of the Army shall obtain full and complete information as to the equipment of each such plant, and he shall prepare comprehensive plans for transforming each such plant into an ammunition factory, or a factory in which to manufacture such parts of ammunition as in the opinion of the Secretary of the Army such plant is best adapted.

The President is authorized, in his discretion, to appoint a Board on Mobilization of Industries Essential for Military Preparedness, nonpartisan in character, and to take all necessary steps to provide for such clerical assistance as he may deem necessary to organize and coordinate the work hereinbefore described. (June 3, 1916, ch. 134, § 120, 39 Stat. 213, 214; July 26, 1947, ch. 343, title II, § 205 (a), 61 Stat. 501; June 28, 1950, ch. 383, title III, § 306, 64 Stat. 269.)

CHANGE OF NAME

The Ordnance Department was redesignated the "Ordnance Corps" by act June 28, 1950.

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by act July 26, 1947.

EMERGENCY NATIONAL DEFENSE LEGISLATION

Creation, construction, and conscription of national defense facilities during temporary emergency were authorized under act June 28, 1940, ch. 440, § 8 (b), 54 Stat. 680.

TERMINATION OF WAR AND EMERGENCIES

Joint Res. July 25, 1947, ch. 327, § 3, 61 Stat. 451, provided that in the interpretation of this section, the date July 25, 1947, shall be deemed to be the date of termination of any state of war theretofore declared by Congress and of the national emergencies proclaimed by the President on Sept. 8, 1939, and May 27, 1941.

WAR-TIME FOOD PROGRAM

Powers granted by section as vested in Secretary of Agriculture in connection with nation's war-time food program, see Ex. Ord. No. 9577, set out as a note under section 601 of Appendix to this title.

PROCUREMENT DIVISION

Establishment, duties, and functions of former Procurement Division, Department of Treasury [now Administrator of General Services], see section 1 of Executive Order No. 6166, June 10, 1933, set out as a note under former sections 124—132 of Title 5, Executive Departments and Government Officers and Employees.

§ 81. Military surveys and maps; assistance of mapping agencies of Government.

In the execution of topographic and other surveys the securing of extra topographic data, the preparation and printing of maps required for military purposes, in the research and development of surveying by means of aerial photography, and in field reproduction methods, the Secretary of the Army is authorized to secure the assistance, whenever practicable, of the United States Geological Survey, the Coast and Geodetic Survey, or other mapping agencies of the Government. (May 14, 1928, ch. 544, 45 Stat. 509; July 26, 1947, ch. 343, title II, § 205 (a), 61 Stat. 501.)

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by act July 26, 1947.

TRANSFER OF FUNCTIONS

The functions of all officers of the Department of Commerce and all functions of all officers and employees of such Department, were, with a few exceptions, transferred to the Secretary of Commerce, with power vested in him to authorize their performance or the performance of any of his functions by any of such officers, agencies, and employees, by 1950 Reorg. Plan No. 5, § 1, 2, eff. May 24, 1950, 15 F. R. 3174, 64 Stat. 1263, set out in note under section 591 of Title 5, Executive Departments and Government Officers and Employees. The Coast and Geodetic Survey, referred to in this section, is an agency within the Department of Commerce.

All functions of all other officers of the Department of the Interior, and all functions of all agencies and employees of such Department, were, with two exceptions, transferred to the Secretary of the Interior, with power vested in him to authorize their performance or the performance of any of his functions by any of such officers, agencies, and employees, by 1950 Reorg. Plan No. 3, § 1, 2, eff. May 24, 1950, 15 F. R. 3174, 64 Stat. 1262, set out in note under section 481 of Title 5, Executive Departments and Government Officers and Employees. The United States Geological Survey, referred to in this section, is an agency of the Department of the Interior.

SIMILAR PROVISIONS

Similar provisions were contained in the following appropriation acts:

1928—Mar. 23, 1928, ch. 232, title I, 45 Stat. 342.
 1927—Feb. 23, 1927, ch. 167, title I, 44 Stat. 1123.
 1926—Apr. 15, 1926, ch. 146, title I, 44 Stat. 273.
 1925—Feb. 12, 1925, ch. 225, title I, 43 Stat. 911.
 1924—June 7, 1924, ch. 291, title I, 43 Stat. 496.
 1923—Mar. 2, 1923, ch. 178, title I, 42 Stat. 1402.
 1922—June 30, 1922, ch. 253, title I, 42 Stat. 741.

§ 82. Procurement of ships and material during war; changes in contracts; commandeering factories, etc.

(a) The word "person" as used in subsections (b) and (c) of this section shall include any individual, trustee, firm, association, company, or corporation. The word "ship" shall include any boat, vessel, submarine, or any form of aircraft, and the parts thereof. The words "war material" shall include arms, armament, ammunition, stores, supplies, and equipment for ships and airplanes, and everything required for or in connection with the production thereof. The word "factory" shall include any factory, workshop, engine works, building used for manufacture, assembling, construction, or any process, and any shipyard or dockyard. The words "United States" shall include the Canal Zone and all territory and waters, continental and insular, subject to the jurisdiction of the United States.

(b) In time of war the President is authorized and empowered, in addition to all other existing provisions of law:

First. Within the limits of the amounts appropriated therefor, to place an order with any person for such ships or war material as the necessities of the Government, to be determined by the President, may require and which are of the nature, kind, and quantity usually produced or capable of being produced by such person. Compliance with all such orders shall be obligatory on any person to whom such order is given, and such order shall take precedence over all other orders and contracts theretofore placed with such person. If any person owning, leasing, or operating any factory equipped for the building or production of ships or war material for the Navy shall refuse or fail to give to the United States such preference in the execution of such an order, or shall refuse to build, supply, furnish, or manufacture the kind, quantity, or quality of ships or war material so ordered at such reasonable price as shall be determined by the President, the President may take immediate possession of any factory of such person, or of any part thereof without taking possession of the entire factory, and may use the same at such times and in such manner as he may consider necessary or expedient.

Second. Within the limit of the amounts appropriated therefor, to modify or cancel any existing contract for the building, production, or purchase of ships or war material; and if any contractor shall refuse or fail to comply with the contract as so modified the President may take immediate possession of any factory of such contractor, or any part thereof without taking possession of the entire factory, and may use the same at such times and

in such manner as he may consider necessary or expedient.

Third. To require the owner or occupier of any factory in which ships or war material are built or produced to place at the disposal of the United States the whole or any part of the output of such factory, and, within the limit of the amounts appropriated therefor, to deliver such output or parts thereof in such quantities and at such times as may be specified in the order at such reasonable price as shall be determined by the President.

Fourth. To requisition and take over for use or operation by the Government any factory, or any part thereof without taking possession of the entire factory, whether the United States has or has not any contract or agreement with the owner or occupier of such factory.

(d) ¹ Whenever the United States shall cancel or modify any contract, make use of, assume, occupy, requisition, or take over any factory or part thereof, or any ships or war material, in accordance with the provisions of subsection (b) of this section, it shall make just compensation therefor, to be determined by the President, and if the amount thereof so determined by the President is unsatisfactory to the person entitled to receive the same, such person shall be paid fifty per centum of the amount so determined by the President and shall be entitled to sue the United States to recover such further sum as added to said fifty per centum shall make up such amount as will be just compensation therefor, in the manner provided for by subsection (20) of section 41 and section 250 of Title 28. (Mar. 4, 1917, ch. 180, 39 Stat. 1192.)

REFERENCES IN TEXT

Subsection "(c)" referred to at the beginning of this section in paragraph (a), was probably intended to be "(d)" as there was no subsection "(c)" in the original version of this section.

Par. (20) of section 41 of Title 28, and section 250 of such title, referred to in the text of par. (d), were repealed by act June 25, 1948, ch. 646, § 39, 62 Stat. 992, eff. Sept. 1, 1948. Such section 41 (20) is now covered by sections 1346, 2401, and 2402 of Title 28, Judiciary and Judicial Procedure, and such section 250 is now covered by sections 1491, 1496, 1501, 1503 and 2501 of that title.

SIMILAR PROVISIONS

Similar provisions were contained in the Naval Appropriation Act, 1918, act July 1, 1918, ch. 114, 40 Stat. 719, which terminated six months after the treaty of peace between the United States and Germany (Oct. 18, 1921).

TERMINATION OF WAR AND EMERGENCIES

Joint Res. July 25, 1947, ch. 327, § 3, 61 Stat. 451, provided that in the interpretation of the provisions of this section and sections 498-4, 498a-4, 498c-7, 498c-8, 498c-13, and 498d-2 of Title 34, Navy, which authorize the President or the Secretary of the Navy to acquire, through construction or conversion, ships, landing craft and other vessels, the date July 25, 1947, shall be deemed to be the date of termination of any state of war theretofore declared by Congress and of the national emergencies proclaimed by the President on Sept. 8, 1939, and May 27, 1941.

§ 83. Ammunition for use of Army and Navy; storage and dispersal; control by joint board of officers.

The Secretary of the Army and the Secretary of the Navy, through a joint board of officers appointed

¹ So in original. Probably should read "(c)".

by them, shall keep advised of storage supplies of ammunition and components thereof for use of the Army and Navy, with special reference to keeping such supplies properly dispersed and stored and to preventing hazardous conditions from arising to endanger life and property within and without storage reservations. Such board shall advise and confer with such Secretaries in the execution of the recommendations contained in House Document Numbered 199, Seventieth Congress. (May 29, 1928, ch. 853, § 1, 45 Stat. 928; July 26, 1947, ch. 343, title II, § 205 (a), 61 Stat. 501.)

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by act July 26, 1947.

§ 84. Expenditure at armories for perfection of patentable inventions.

No money shall be expended at national armories in the perfection of patentable inventions in the manufacture of arms by officers of the Army otherwise compensated for their services to the United States. (Mar. 3, 1875, ch. 133, § 1, 18 Stat. 455.)

§ 85. Guns and howitzers; installation.

The Secretary of the Army is authorized to proceed with the installation of guns and howitzers in such order of priority as he may deem expedient, at places for which appropriations have been, or hereafter may be, made for emplacements for such guns and howitzers. (Mar. 3, 1921, ch. 128, § 6, 41 Stat. 1352; July 26, 1947, ch. 343, title II, § 205 (a), 61 Stat. 501.)

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by act July 26, 1947.

§§ 86—88. Omitted.

CODIFICATION

Sections, act Feb. 15, 1936, ch. 74, §§ 1—3, 49 Stat. 1140, which related to conservation of domestic sources of tin, were superseded by sections 2021—2032 of Appendix to this title. See section 2030 of said Appendix.

EDUCATION AND EXPERIMENTATION IN DEVELOPMENT OF MUNITIONS AND MATERIALS FOR NATIONAL DEFENSE

§ 91. Educational orders for munitions of special or technical design; bids.

The Secretary of the Army is authorized to place educational orders for munitions of war of special or technical design, or both, noncommercial in character (hereinafter called "special munitions"), and essential accessories and parts thereof needed in the military service, with commercial concerns to familiarize commercial and manufacturing establishments with the manufacture of such munitions and such accessories and parts. In arranging for placing such educational orders, bids shall be solicited only from such establishments as, in the Secretary's judgment, will be competent in time of war to manufacture the particular class of special munitions with respect to which the bid is solicited. In the determination of which classes of special munitions are to be manufactured under sections 91—

94 of this title, and in the determination of which of the solicited bidders is to be awarded any contract, the Secretary shall have regard solely to the selection of such classes of special munitions and of such bidders as will, in his judgment, under all the circumstances, best serve the interest of the United States and best promote the cause of national defense. The Secretary of the Army shall enter into no contract under this section without the approval of the President. (June 16, 1938, ch. 458, § 1, 52 Stat. 707; July 26, 1947, ch. 343, title II, § 205 (a), 61 Stat. 501.)

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by act July 26, 1947.

§ 92. Same; production equipment with first order.

The first of any such educational orders placed with any person, firm, or corporation for supplying any such munitions, accessories, or parts, may include a complete set of such gages, dies, jigs, tools, fixtures, and other special aids and appliances, including drawings thereof, as may be required for the production of such munitions, accessories, and parts in quantity in the event of an emergency. The title to all such facilities shall remain in the Government of the United States. (June 16, 1938, ch. 458, § 2, 52 Stat. 708.)

§ 93. Same; number of orders; application during war.

Not more than one such educational order for the manufacture of the same, or substantially the same, article of special munitions shall be given to the same person, firm, or corporation within any period of three successive years. This section shall not prohibit the awarding of any contract during any war in which the United States is engaged. (June 16, 1938, ch. 458, § 3, 52 Stat. 708.)

§ 94. Appropriations.

Funds appropriated to accomplish the purposes of sections 91—94 of this title shall be available for expenditures incidental to the accomplishment of the procurements made thereunder, including production studies, factory plans, and other production data and the storage and maintenance of gages, dies, jigs, tools, fixtures, and other special aids and appliances procured thereunder. (June 16, 1938, ch. 458, § 4, 52 Stat. 708; Apr. 3, 1939, ch. 35, § 13, 53 Stat. 560.)

CODIFICATION

Provisions relating to specific appropriations for years 1939—1945 were omitted as executed.

AMENDMENTS

1939—Act Apr. 3, 1939, amended section generally.

§ 95. Research, experimentation, and development of rotary-wing and other aircraft; appropriation; reports and recommendations; construction.

In the interest of adequate national defense and the further interest of the needs of other governmental activities and of American commercial and civil aeronautics for rotary-wing and other aircraft development there is authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, the sum of \$2,000,000 to remain

available until expended for the purpose of rotary-wing and other aircraft research, development, procurement, experimentation, and operation for service testing.

The Secretary of the Army is authorized and directed to proceed immediately with said research, development, procurement, experimentation, and operation for service testing and further to allot such sums from this fund to other Federal departments or agencies as he, in his judgment and discretion and within the limits herein prescribed, may deem advisable for the furtherance of these purposes.

The following agencies of the Federal Government are authorized and directed to submit to the Secretary of the Army plans for research, development, procurement, experimentation, and operation for service testing of rotary-wing and other aircraft. Upon presentation of plans, together with estimates of requirements, the Secretary of the Army will approve, apportion, and allot the necessary funds which in his discretion may appear proper for each respectively.

The agencies referred to are:

(a) In the United States Army, the Office of the Chief Signal Officer, the Office of the Chief of Army Medical Service, the Office of the Quartermaster General, and the National Guard Bureau.

(b) In the Department of Agriculture, the Bureau of Entomology and Plant Quarantine, the Fish and Wildlife Service, and the Forest Service.

(c) In the Department of the Interior, the National Park Service.

(d) In the Treasury Department, the Coast Guard.

(e) In the Department of Commerce, the Civil Aeronautics Board.

(f) In the Department of the Navy, the Office of the Chief of Naval Operations, the Bureau of Aeronautics, and the Office of the Chief of Marine Corps.

(g) The National Advisory Committee for Aeronautics.

(h) In the Post Office Department, the Postmaster General.

Such of these agencies as are approved by the Secretary of the Army for the purpose of carrying out the provisions of this section and to whom the Secretary of the Army in accordance with the provisions of this section shall allocate funds are directed to report at the end of each fiscal year or at such times as the Secretary of the Army may direct, showing the progress of the work in hand, future programs, if any, and recommendations. Special emphasis in these reports shall be placed on the utility of rotary-wing and other aircraft at the present time and the promise this type of aircraft holds for the future in the opinion of the chief of each agency concerned.

The sum of \$600,000 is to be taken by the Secretary of the Army from this appropriation and used exclusively in the placing of contracts for the construction of improved and experimental types of rotary-wing and other aircraft by private industry. (June 30, 1938, ch. 852, 52 Stat. 1255; 1939 Reorg. Plan No. II, § 4 (e), (f), eff. July 1, 1939, 4 F. R. 2731, 53 Stat. 1433; 1940 Reorg. Plan No. IV, § 7, eff. June 30, 1940, 5 F. R. 2421, 54 Stat. 1235; July 26,

1947, ch. 343, title II, §§ 205 (a), 208, 61 Stat. 501, 503; June 28, 1950, ch. 383, title III, § 307, title IV, § 401, 64 Stat. 270.)

CODIFICATION

The Office of the Chief of Air Corps has been omitted in view of the establishment of the United States Air Force and transfer of the functions of the Chief of Air Corps to the Chief of Staff, United States Air Force, by act July 26, 1947, § 208.

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by act July 26, 1947.

The Medical Corps was redesignated the Army Medical Service by act June 28, 1950, § 307.

ARMY ORGANIZATION

The Offices of the Chief of Cavalry, Chief of Field Artillery, Chief of Coast Artillery and Chief of Infantry were not provided for in the Army Organization, Act of 1950, act June 28, 1950, which is classified to sections 1a—1g, 19a, 21a—21h, 61—1, 81—1, 231a and 316—1 of Title 10, Army and Air Force, and sections 181—3 to 181—5 of Title 5, Executive Departments and Government Officers and Employees. The posts had remained vacant since the start of World War II and statutory provisions providing for them were repealed by section 401 of act June 28, 1950. A Chief of Transportation, an office which had existed but not on a statutory basis was provided by section 206 of said act June 28, 1950, section 21f of Title 10, Army and Air Force.

TRANSFER OF FUNCTIONS

All functions of all other officers of the Department of the Interior and all functions of all agencies and employees of such Department were, with two exceptions, transferred to the Secretary of the Interior, with power vested in him to authorize their performance or the performance of any of his functions by any of such officers, agencies, and employees, by 1950 Reorg. Plan No. 3, §§ 1, 2, eff. May 24, 1950, 15 F. R. 3174, 64 Stat. 1262, set out in note under section 481 of Title 5, Executive Departments and Government Officers and Employees.

The Bureau of Biological Survey was transferred to the Department of the Interior and consolidated in the Fish and Wildlife Service by 1939 Reorg. Plan No. II, set out in note to section 133t of Title 5, Executive Departments and Government Officers and Employees.

The Bureau of Air Commerce was transferred to the Civil Aeronautics Authority by former section 423 of Title 49, Transportation, and Ex. Ord. No. 7959, Aug. 22, 1938, 3 F. R. 2071, pursuant thereto. The Civil Aeronautics Authority was transferred to the Department of Commerce and redesignated the Civil Aeronautics Board by 1940 Reorg. Plan No. IV, set out in note to section 133t of Title 5, Executive Departments and Government Officers and Employees.

EXCEPTION FROM TRANSFER OF FUNCTIONS

Functions of the Civil Aeronautics Board, referred to in this section, were not included in the functions of officers, agencies and employees of the Department of Commerce which were transferred to the Secretary of Commerce by 1950 Reorg. Plan No. 5, § 1, eff. May 24, 1950, 15 F. R. 3174, 64 Stat. 1263, set out in note under section 591 of Title 5, Executive Departments and Government Officers and Employees.

§ 96. Purchase of equipment for experimental and test purposes.

The Secretary of the Army may, at his discretion, purchase abroad or in the United States with or without competition, by contract or otherwise, such ordnance, signal, and chemical-warfare equipment, supplies, parts, accessories, or designs thereof, as may be necessary in his judgment for experimental or test purposes in the development of the best kind of equipment and supplies required for the national defense. Nothing herein contained shall be con-

strued to waive or alter the provisions of section 5 of Title 41, when purchases are made in quantity. (July 15, 1939, ch. 283, 53 Stat. 1042; July 26, 1947, ch. 343, title II, § 205 (a), 61 Stat. 501.)

CHANGE OF NAMES

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by act July 26, 1947.

ACQUISITION AND DEVELOPMENT OF STRATEGIC RAW MATERIALS

§ 98. Declaration of policy.

The natural resources of the United States in certain strategic and critical materials being deficient or insufficiently developed to supply the industrial, military, and naval needs of the country for common defense, it is the policy of the Congress and the purpose and intent of sections 98—98h of this title to provide for the acquisition and retention of stocks of these materials and to encourage the conservation and development of sources of these materials within the United States, and thereby decrease and prevent wherever possible a dangerous and costly dependence of the United States upon foreign nations for supplies of these materials in times of national emergency. (June 7, 1939, ch. 190, § 1, 53 Stat. 811; July 23, 1946, ch. 590, 60 Stat. 596.)

AMENDMENTS

1946—Act July 23, 1946 amended section to broaden it by inserting "and retention" following "acquisition" and "conservation and" preceding "development".

SHORT TITLE

Congress provided by section 10 of act June 7, 1939, as amended by act July 23, 1946, that sections 98—98h of this title should be popularly known as the "Strategic and Critical Materials Stock Piling Act".

MAINTENANCE OF DOMESTIC TIN-SMELTING INDUSTRY

Joint Res. June 28, 1947, ch. 159, 61 Stat. 190, as amended June 29, 1948, ch. 722, 62 Stat. 1101; June 30, 1949, ch. 284, 63 Stat. 350; Aug. 21, 1950, ch. 766, 64 Stat. 468, provided that:

"Section 1. Findings of fact and declaration of policy.

(a) Tin is a highly strategic and critical material of which insufficient ore reserves exist in the United States and of which an adequate supply is vital to the Nation's industrial, military, and naval requirements for the common defense.

"(b) Tin is now and for the immediate future will remain in supply short of the requirements of this country's industrial, military, and naval needs.

"(c) It is necessary in the public interest and to promote the common defense that Congress make a thorough study and investigation regarding the advisability of the maintenance on a permanent basis of a domestic tin-smelting industry and to study the availability of supplies of tin adequate to meet the industrial, military, and naval requirement of the Nation in time of national emergency.

"Section 2. Powers and duties of Reconstruction Finance Corporation; termination date. The powers, functions, duties, and authority of the United States heretofore exercised by the Reconstruction Finance Corporation (1) to buy, sell, and transport tin, and tin ore and concentrates; (2) to improve, develop, maintain, and operate by lease or otherwise the Government-owned tin smelter at Texas City, Texas; (3) to finance research in tin smelting and processing; and (4) to do all other things necessary to the accomplishment of the foregoing shall continue in effect until June 30, 1956, or until such earlier time as the Congress shall otherwise provide, and shall be exercised and performed by the Reconstruction Finance

Corporation while that Corporation has succession, and thereafter by such officer, agency, or instrumentality of the United States as the President may designate.

"Section 3. Diversification of tin-recovery facilities in United States. In order to promote the conservation of the tin ore reserves of the Western Hemisphere and to increase their availability for the tin requirements of the United States through diversification of tin-recovery facilities in the United States, the powers exercised by the Reconstruction Finance Corporation or its successor and continued in effect by the provisions of section 2 hereof shall include authority to offer for sale from time to time and to sell to the highest bidder for the recovery in the United States of grade A pig tin, any tin concentrates or other tin-bearing materials heretofore or hereafter acquired by the Reconstruction Finance Corporation and containing not more than 25 per centum of tin; and to contract to buy up to an equivalent amount of such pig tin for future delivery, not to exceed four months from date of delivery of such concentrates or tin-bearing material to the processor, at the Reconstruction Finance Corporation's selling price for such grade on the date of such contract: *Provided*, That the minimum price at which any such concentrates or tin-bearing materials are so sold shall represent no less return to the Government, as determined or estimated by the Reconstruction Finance Corporation (which determination or estimate shall be deemed conclusive), than would result through the Government itself transporting and treating such concentrates or tin-bearing materials in any Government-owned or controlled facility and transporting and selling the pig tin recovered therefrom.

"Section 4. Reports to Congress. The Reconstruction Finance Corporation or the officer, agency, or instrumentality of the United States subsequently designated by the President shall render a full report to Congress on all its activities under this joint resolution not later than December 31, 1947, and at the end of each six months thereafter."

CROSS REFERENCES

Domestic Rubber-Producing Industry, see sections 1921—1938 of Appendix to this title.

§ 98a. Strategic and critical materials; determination; quantity and quality to be purchased; formation and functions of industry advisory committees; subsistence and traveling expenses of members.

(a) To effectuate the policy set forth in section 98 of this title the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Interior, acting jointly through the agency of the Munitions Board, are authorized and directed to determine, from time to time, which materials are strategic and critical under the provisions of sections 98—98h of this title and to determine, from time to time, the quality and quantities of such materials which shall be stock piled under the provisions of said sections. In determining the materials which are strategic and critical and the quality and quantities of same to be acquired the Secretaries of State, Treasury, Agriculture, and Commerce shall each designate representatives to cooperate with the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Interior in carrying out the provisions of said sections.

(b) To the fullest extent practicable the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Interior, acting jointly, shall appoint industry advisory committees selected from the industries concerned with the materials to be stock piled. It shall be the general function of the industry advisory committees to advise with the Secretary of the Army, the Secretary of the Navy,

and the Secretary of the Interior and with any agencies through which they may exercise any of their functions under said sections with respect to the purchase, sale, care, and handling of such materials. Members of the industry advisory committees shall receive a per diem allowance of not to exceed \$10 for each day spent at conferences held upon the call of the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Interior, plus necessary traveling and other expenses while so engaged. (June 7, 1939, ch. 190, § 2, 53 Stat. 811; July 23, 1946, ch. 590, 60 Stat. 596; July 26, 1947, ch. 343, title II, §§ 205 (a), 213, 61 Stat. 501, 505.)

AMENDMENTS

1946—Act July 23, 1946 amended section by making former section subsec. (a) and adding subsec. (b) to provide for the creation of industry advisory committees.

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by act July 26, 1947, § 205 (a).

TRANSFER OF FUNCTIONS

The term "Army and Navy Munitions Board" was changed to "Munitions Board" on authority of act July 26, 1947, § 213. Said section 213 established the Munitions Board in the Department of Defense, terminated the Army and Navy Munitions Board effective as of date of assumption of office by first Chairman of Munitions Board, and transferred the records and personnel of the latter to the former.

§ 98b. Purchase, storage, refinement, rotation, and disposal of materials.

The Secretary of the Army and the Secretary of the Navy shall direct the Administrator of General Services to—

(a) make purchases of strategic and critical materials with due regard to the objectives set forth in section 98 of this title and pursuant to the determinations as provided in section 98a of this title, which purchases (1) shall be made, so far as is practicable, from supplies of materials in excess of the current industrial demand and (2) shall be made in accordance with sections 10a—10c of Title 41, but may be made without regard to section 5 of Title 41. A reasonable time (not to exceed one year) shall be allowed for production and delivery from domestic sources and in the case of any such material available in the United States but which has not been developed commercially, the Secretary of the Army and the Secretary of the Navy may, if they find that the production of such material is economically feasible, direct the purchase of such material without requiring the vendor to give bond;

(b) provide for the storage, security, and maintenance of strategic and critical materials for stockpiling purposes on military and naval reservations or other locations, approved by the Secretary of the Army and the Secretary of the Navy;

(c) provide through normal commercial channels for the refining or processing of any materials acquired or transferred under sections 98—98h of this title when the Secretary of the Army and the Secretary of the Navy deem such action necessary to convert such materials into a form best suitable for

stock piling, and such materials may be refined, processed, or otherwise beneficiated either before or after their transfer from the owning agency;

(d) provide for the rotation of any strategic and critical materials constituting a part of the stock pile where necessary to prevent deterioration by replacement of acquired stocks with equivalent quantities of substantially the same material with the approval of the Secretary of the Army and the Secretary of the Navy;

(e) dispose of any materials held pursuant to sections 98—98h of this title which are no longer needed because of any revised determination made pursuant to section 98a of this title, as hereinafter provided. No such disposition shall be made until six months after publication in the Federal Register and transmission of a notice of the proposed disposition to the Congress and to the Armed Services Committee of each House thereof. Such notice shall state the reasons for such revised determination, the amounts of the materials proposed to be released, the plan of disposition proposed to be followed, and the date upon which the material is to become available for sale or transfer. The plan and date of disposition shall be fixed with due regard to the protection of the United States against avoidable loss on the sale or transfer of the material to be released and the protection of producers, processors, and consumers against avoidable disruption of their usual markets: *Provided*, That no material constituting a part of the stock piles may be disposed of without the express approval of the Congress except where the revised determination is by reason of obsolescence of that material for use in time of war. For the purposes of this paragraph a revised determination is by reason of obsolescence if such determination is on account of (1) deterioration, (2) development or discovery of a new or better material or materials, or (3) no further usefulness for use in time of war. (June 7, 1939, ch. 190, § 3, 53 Stat. 811; July 23, 1946, ch. 590, 60 Stat. 597; Aug. 2, 1946, ch. 753, title I, §§ 102, 121, 60 Stat. 815, 822; July 26, 1947, ch. 343, title II, § 205 (a), 61 Stat. 501; June 30, 1949, ch. 288, title I, § 102 (a), 63 Stat. 380.)

CODIFICATION

In the opening paragraph the "Administrator of General Services" has been substituted for the "Secretary of the Treasury, through the medium of the Procurement Division of his Department" on the authority of act June 30, 1949, which abolished the Bureau of Federal Supply and transferred its functions to the Administrator. The Bureau of Federal Supply had previously absorbed the Procurement Division and its functions. For abolishment of Bureau and the transfer of its functions see section 630a of Title 5, Executive Departments and Government Officers and Employees.

AMENDMENTS

1946—Act July 23, 1946 amended section to provide for competitive bidding in the purchase of materials, refinement and processing of materials, and for the disposition of materials which are no longer needed because of a revised determination.

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by act July 26, 1947.

The Military Affairs Committees of both Houses were designated the Armed Services Committees by act Aug. 2, 1946.

§ 98c. Reports to Congress.

The Secretary of the Army and the Secretary of the Navy shall submit to the Congress, not later than six months after July 23, 1946, and every six months thereafter a written report detailing the activities with respect to stock piling under sections 98—98h of this title, including a statement of foreign and domestic purchases, and such other pertinent information on the administration of said sections as will enable the Congress to evaluate its administration and the need for amendments and related legislation. (June 7, 1939, ch. 190, § 4, 53 Stat. 811; July 23, 1946, ch. 590, 60 Stat. 598; July 26, 1947, ch. 343, title II, § 205 (a), 61 Stat. 501.)

AMENDMENTS

1946—Act July 23, 1946, amended section generally to provide for semi-annual reports to Congress. Former provisions of section related to use of materials acquired and are now covered by section 98d of this title.

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by act July 26, 1947.

OPTICAL GLASS

The former Procurement Division of the Treasury Department [now the Administrator of General Services] was authorized to make use of optical glass acquired pursuant to sections 98—98h of this title for the manufacture of binoculars, by sale or other disposition for war production purposes to such buyers or users in such amounts as may be requested by Chairman of War Production Board, by Ex. Ord. No. 9242, Sept. 11, 1942, 7 F. R. 7213.

QUININE SULFATE

The former Procurement Division of the Treasury Department [now the Administrator of General Services] was authorized to make available from stock acquired pursuant to sections 98—98h of this title, certain quantities of quinine sulfate for use of the Army and Navy by Ex. Ord. No. 9317, Mar. 20, 1943, 8 F. R. 3561.

§ 98d. Release of stock pile materials.

The stock piles shall consist of all such materials prior to July 23, 1946 purchased or transferred to be held pursuant to sections 98—98h of this title, or after July 23, 1946, transferred pursuant to section 98e of this title, or after July 23, 1946, purchased pursuant to section 98b of this title, and not disposed of pursuant to sections 98—98h of this title. Except for the rotation to prevent deterioration and except for the disposal of any material pursuant to section 98b of this title, materials acquired under sections 98—98h of this title shall be released for use, sale, or other disposition only (a) on order of the President at any time when in his judgment such release is required for purposes of the common defense, or (b) in time of war or during a national emergency with respect to common defense proclaimed by the President, on order of such agency as may be designated by the President. (June 7, 1939, ch. 190, § 5, 53 Stat. 812; July 23, 1946, ch. 590, 60 Stat. 598.)

AMENDMENTS

1946—Act July 23, 1946, amended section generally to provide for the release of stock pile materials. Former provisions of section related to contracts for purchases and are now covered by section 98b (a) of this title.

§ 98e. Transfer of surplus materials to stock piles; exceptions; payments; reduction of amount of obligations of Reconstruction Finance Corporation.

(a) Pursuant to regulations issued by the General Services Administration, every material determined to be strategic and critical pursuant to section 98a of this title, which is owned or contracted for by the United States or any agency thereof, including any material received from a foreign government under an agreement made pursuant to sections 411, 412 and 413—419 of Title 22, or other authority, shall be transferred by the owning agency, when determined by such agency to be surplus to its needs and responsibilities, to the stock piles established pursuant to sections 98—98h of this title, so long as the amount of the stock pile for that material does not exceed the quantities determined therefor pursuant to section 98a of this title. There shall be exempt from this requirement such amount of any material as is necessary to make up any deficiency of the supply of such material for the current requirements of industry as determined by the Secretary of Commerce. There shall also be exempt from this requirement (1) any material which constitutes contractor inventory if the owning agency shall not have taken possession of such inventory, (2) such amount of any material as the Munitions Board determines (i) are held in lots so small as to make the transfer thereof economically impractical; or (ii) do not meet or cannot economically be converted to meet, stock pile requirements determined in accordance with section 98a of this title. The total material transferred to the stock piles established by sections 98—98h of this title in accordance with this section during any fiscal year beginning more than twelve months after July 23, 1946 shall not exceed in value (as determined by the Secretary of the Treasury on the basis of the fair market value at the time of each transfer) an amount to be fixed by the appropriation Act or Acts relating to the acquisition of materials under sections 98—98h of this title.

(b) Any transfer made pursuant to this section shall be made without charge against or reimbursement from the funds available under sections 98—98h of this title, except that expenses incident to such transfer may be paid or reimbursed from such funds, and except that, upon any such transfer from the Reconstruction Finance Corporation, or any corporation organized by virtue of the authority contained in sections 601, 603, 604, 605, 606, 607, 608, 609, and 611 of Title 15, and section 82 of Title 12, the Secretary of the Treasury shall cancel notes of Reconstruction Finance Corporation, and sums due and unpaid upon or in connection with such notes at the time of such cancellation, in an amount equal to the fair market value as determined by the Secretary of the Treasury of the material so transferred.

(c) Effective whenever the Secretary of the Treasury shall cancel any notes pursuant to subsection (b) of this section, the amount of notes, debentures, bonds, or other such obligations which the Reconstruction Finance Corporation is authorized and empowered to have outstanding at any one time under the provisions of existing law shall be deemed to be reduced by the amount of the notes so canceled. (June 7, 1939, ch. 190, § 6, 53 Stat. 812; May 28, 1941, ch. 135, 55 Stat. 206; July 23, 1946, ch. 590, 60 Stat. 598; 1946 Ex. Ord. No. 9809, Dec. 12, 1946, 11 F. R. 14281; 1947 Ex. Ord. No. 9841, Apr. 23, 1947, 12 F. R. 2645; June 30, 1949, ch. 288, title I, § 105, 63 Stat. 381.)

AMENDMENTS

1946—Act July 23, 1946, amended section generally to provide for transfers to stock piles of surplus materials without reimbursement, and for the reduction of amount of obligations of Reconstruction Finance Corporation. Former provisions of section related to appropriations and are now covered by section 98g of this title.

1941—Act May 28, 1941, added provisions making funds from sales or other dispositions of property under sections 98—98e of this title available for expenditure for purposes of said sections.

TRANSFER OF FUNCTIONS

The functions, records, property, etc. of the War Assets Administration were transferred to the General Services Administration and the War Assets Administration was abolished by act June 30, 1949, set out as section 630c of Title 5, Executive Departments and Government Officers and Employees.

The term "Army and Navy Munitions Board" was changed to "Munitions Board" on authority of act July 26, 1947, § 213. Said section 213 established the Munitions Board in the Department of Defense, terminated the Army and Navy Munitions Board effective as of date of assumption of office by first Chairman of Munitions Board, and transferred the records and personnel of the latter to the former.

"Secretary of Commerce" was substituted for "Civilian Production Administration or its successor" in view of consolidation of Civilian Production Administration with other agencies to form Office of Temporary Controls, and transfer of functions of Office of Temporary Controls to the Secretary of Commerce by Ex. Ord. Nos. 9809 and 9841, set out as notes under section 601 of Appendix to this title.

CROSS REFERENCES

Appropriations for investigations, etc., see section 98f of this title.

§ 98f. Investigations of domestic ores, minerals, and agriculture resources for purposes of development, etc.

(a) The Secretary of the Interior, through the Director of the Bureau of Mines and the Director of Geological Survey, is authorized and directed to make scientific, technologic, and economic investigations concerning the extent and mode of occurrence, the development, mining, preparation, treatment, and utilization of ores and other mineral substances found in the United States or its Territories or insular possessions, which are essential to the common defense or the industrial needs of the United States, and the quantities or grades of which are inadequate from known domestic sources, in order to determine and develop domestic sources of supply, to devise new methods for the treatment and utilization of lower grade reserves, and to develop substitutes for such essential ores and mineral prod-

ucts; on public lands and on privately owned lands, with the consent of the owner, to explore and demonstrate the extent and quality of deposits of such minerals, including core drilling, trenching, test-pitting, shaft sinking, drifting, cross-cutting, sampling, and metallurgical investigations and tests as may be necessary to determine the extent and quality of such deposits, the most suitable methods of mining and beneficiating them, and the cost at which the minerals or metals may be produced.

(b) The Secretary of Agriculture is authorized and directed to make scientific, technologic, and economic investigations of the feasibility of developing domestic sources of supplies of any agricultural material or for using agricultural commodities for the manufacture of any material determined pursuant to section 98a of this title to be strategic and critical or substitutes therefor. (June 7, 1939, ch. 190, § 7, 53 Stat. 812; July 23, 1946, ch. 590, 60 Stat. 599.)

AMENDMENTS

1946—Subsec. (a) reenacted by act July 23, 1946.

Subsec. (b) amended generally by act July 23, 1946, to provide for agricultural investigations. Former provisions of subsec. (b) related to appropriations for carrying out the work of subsec. (a) and are now covered by section 98g of this title.

§ 98g. Appropriations.

For the procurement, transportation, maintenance, rotation, storage, and refining or processing of the materials to be acquired under sections 98—98h of this title, there is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as the Congress, from time to time, may deem necessary to carry out the provisions of said sections. The funds so appropriated, including the funds heretofore appropriated, shall remain available to carry out the purposes for which appropriated until expended, and shall be expended under the joint direction of the Secretary of the Army and the Secretary of the Navy. (June 7, 1939, ch. 190, § 8, as added July 23, 1946, ch. 590, 60 Stat. 600, and amended July 26, 1947, ch. 343, title II, § 205 (a), 61 Stat. 501.)

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by act July 26, 1947.

§ 98h. Disposition of receipts.

Any funds prior to or after July 23, 1946, received on account of sales or other dispositions of materials under the provisions of sections 98—98h of this title, except funds received on account of the rotation of stocks, shall be covered into the Treasury as miscellaneous receipts. (June 7, 1939, ch. 190, § 9, as added July 23, 1946, ch. 590, 60 Stat. 600.)

§ 99. Prohibition or curtailment of exportation of military equipment or supplies; penalties.

CODIFICATION

Section, act July 2, 1940, 10:55 a. m., E. S. T., ch. 508, § 6, 54 Stat. 714, was transferred to former section 701 of Appendix to this title.